

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Memran EXAMINER: Trost
SERIAL NO.: 10/002,382 ART UNIT: 2683
FOR: System for Utilizing Vacuum Tubes In Computer Audio Circuitry
FILED: 10/20/01

**DECLARATION OF APPLICANT IN SUPPORT OF
PETITION TO MAKE SPECIAL PURSUANT TO
MPEP – 708.08(II) AND 37 C.F.R. 1.102**

Mail Stop
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JUN 06 2003
Technology Center 2003

Dear Sirs:

1, Louis I. Memran, do hereby declare and aver as follows:

1. I am the Applicant in the above-referenced matter.
2. I have observed and studied the website AOPEN.COM which is owned by AOPEN.COM, INC. of Taiwan. Pertinent pages of the AOPEN.COM website are attached as Exh. A herewith.
3. I have carefully reviewed this material concerning the AOPEN motherboard, termed by AOPEN “the world’s first vacuum motherboard, called AX4B-533 Tube,” as may be seen at Page 3 of Exh. A herewith .
4. A photograph of the AX4B-533 tube motherboard appears as the last page of said Exh. A.

5. Attached as Exh. B herewith is a photograph, which I took of the original motherboard of the AOPEN.COM motherboard which I ordered online and received at my home in Florida.

6. Attached as Exh. C herewith is the motherboard of Exh. B, however, with certain components removed so that the "trace" of the motherboard, that is, circuitry connections thereof can be ascertained.

7. Attached as Exh. D herewith is an enlarged view of the left hand side of Exh. C. Therefrom may be seen the AX4B-533 vacuum tube, a six volt heater supply, a sound chip, a non-inverted output, an analog input, a capacitor 16, a resistor 14, and the DC/DC converter high voltage output of the AOPEN motherboard.

8. As Exh. E, I have created a schematic of the above-described components and trace connections associated therewith of the portion of the motherboard shown in Exh. D. I have also associated therewith the reference numerals for respective components which correspond to the reference numerals used for corresponding components within my Application Serial No. 10/002,382.

9. Attached as Exh. F herewith is Fig. 3 of my pending application. As may be noted therefrom, all functional elements which appear in Fig. 3 of my patent application have a corresponding element and substantially identical respective electrical communications to the AOPEN motherboard. More particularly, each have a DC-to-DC converter 12 with high voltage output which feeds into a vacuum tube 10, the grid of which is in electrical communication with sound chip 18. Said sound chip, in the circuits of Exhs. E and F, each have a digital input/output and an analog output which is in electrical communication with said grid of the vacuum tube 10. Also, in each circuit, the

cathode of the tube 10 is in electrical communication with a resistor 14 and capacitor 16 which, in each case, constitutes the non-inverted output of the system.

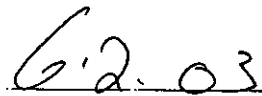
10. Also of note is that the AOPEN motherboard employs a AX4B-553 tube while, at the last line of Page 4 of my application, I suggest, as one option, the use of a 12 AX7 vacuum tube. As such, it is evident that AOPEN has used a vacuum tube of a type suggested in my pending application.

11. It is also apparent from the AOPEN literature of Exh. A that the function of their motherboard is the same as that of my system, namely, to provide a computer audio circuit having the audio fidelity associated with classical vacuum tube technology. As above set forth relative to the comparison of Exhs. E and F, this is accomplished by AOPEN in substantially the same fashion as is suggested in Fig. 3 of my patent application.

12. I declare the above to be true upon penalty of perjury.



LOUIS L. MEMRAN



DATE